

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Richard Daschbach

v.

Civil No. 20-cv-706-JL

Advanced Marketing & Processing

**PROCEDURAL ORDER: BENCH TRIAL**

The bench trial on the existence of a commercial or contractual relationship, is scheduled for **June 2, 2021**. The parties' Stipulated Discovery Plan (doc. no. 35) is adopted with the exception of the following departures from the plan:

On or before **3:00 p.m., May 26, 2021**, the parties shall jointly file:

- a **single timeline** setting forth all pertinent dates, times, and events, in whatever format the parties jointly choose (in other words, the parties need not comply with Local Rule 5.1(a) with respect to the timeline);
- a **single Statement of Agreed Facts** followed by a Statement of Disputed Facts. The disputed facts are not an invitation to advocacy (i.e., "The plaintiff can not establish irreparable harm because...." or "There is a strong likelihood of success on the merits because...."). The parties should simply list facts they intend to establish at the hearing, or which they contend will not be established at the hearing.

On or before **3:00 p.m. on May 27, 2021**, each party shall file:

- a witness list;
- an exhibit list.


On or before **1:00 p.m., May 28, 2021**, each party shall file:

- proposed findings of fact and rulings of law, specifically tailored to each pleaded claim, affirmative defense, counterclaim, and defense thereto (if applicable)<sup>1</sup>

Counsel shall confer (preferably in person, or else by telephone) in a good-faith effort to identify all areas of agreement and to make the statement of facts and timeline as comprehensive as possible, so that open court testimony can focus on matters truly in dispute. Counsel are expressly discouraged from simply “recycling” factual statements submitted during previous motion practice in this case.

Counsel shall confer before the hearing to identify all areas of agreement and disagreement as to the admissibility of each exhibit.

**SO ORDERED.**



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Joseph N. Laplante  
United States District Judge

Dated: April 6, 2021

cc: Patrick H. Peluso, Esq.  
Taylor True Smith, Esq.  
V. Richards Ward, Jr., Esq.  
Jeffrey A. Backman, Esq.  
Roy Taub, Esq.  
Steven J. Dutton, Esq.

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<sup>1</sup> The proposed finding and ruling are meant to function as your trial brief. Counsel may, but are not required, to file a separate trial brief.